

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3218**

December 5, 2013

Tom Wheeler  
Chairman  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**1254**

Dear Chairman Wheeler:

I write you today to express my concern over potential radio communication spectrum issues that are currently standing in the way of full implementation of Positive Train Control (PTC) systems by railroads across the country. This issue is even more urgent in light of the tragic Spuyten Duyvil Metro-North derailment on December 1<sup>st</sup>, which killed four people, including two of my constituents and injured dozens more. Tens of thousands of my constituents take the commuter trains to work every day and it is critical that we provide them with the safest passage possible without delay. I believe that PTC is a great first step in meeting this goal, which is why I have introduced a bill that would allow for additional funding for PTC technology on commuter rail.

In 2008 Congress passed a law mandating PTC systems for commuter and freight railroads. It is my understanding that several railroads, including the Metropolitan Transportation Authority (MTA), have expressed concern about accessing the required radio spectrum needed to implement PTC. In order to effectively and efficiently implement a comprehensive PTC system on these systems, I request that the FCC work in concert with the Department of Transportation to provide guidance to all commuter railroads seeking sufficient spectrum and address any other outstanding concerns.

It is imperative that we address these issues before additional lives are lost. In the wake of the Spuyten Duyvil Metro-North derailment – a PTC-preventable tragedy – we owe it to the American travelling public to do everything we can to ensure the speedy and proper implementation of this life-saving technology. My office stands ready to assist you in any way necessary.

Thank you for your consideration of this request Chairman Wheeler, and I look forward to your prompt response.

Sincerely,



Sean Patrick Maloney  
Member of Congress

Cc:

Anthony Foxx, Secretary of Transportation



Federal Communications Commission  
Washington, D.C.

January 17, 2014

The Honorable Sean Patrick Maloney  
U.S. House of Representatives  
1529 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Maloney:

Thank you for your letter regarding spectrum issues related to Positive Train Control (PTC) implementation. I share your sense of urgency, particularly given the recent Spuyten Duyvil Metro-North tragedy, and recognize the vital importance of PTC. The Commission has done, and will continue to do, everything within its power to facilitate PTC implementation by the December 31, 2015, statutory deadline. These efforts include helping commuter railroads acquire spectrum, and expediting licensing review.

Since 2009, the Commission's Wireless Telecommunications Bureau has worked closely with railroads concerned about licensing and spectrum issues related to PTC, and has approved many spectrum transactions. Of particular note to you, in 2012, the Commission approved an acquisition of spectrum by the Metropolitan Transportation Authority (MTA), which covers all Long Island Railroad territory, and all but four counties in the MetroNorth operating area, including the area where the recent derailment occurred. The Bureau is working with MTA representatives now to help MTA obtain spectrum to complete MetroNorth's PTC spectrum footprint. The Bureau also is engaged with numerous other commuter rails to facilitate their acquisition of spectrum to deploy PTC.

We will continue working closely with the commuter railroad industry and other Federal agencies to provide guidance about spectrum and related issues, and to facilitate the expeditious deployment of PTC. I appreciate your interest and concern about this issue. Please let me know if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler", is written over the word "Sincerely,".

Tom Wheeler